

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIE MARIE TODD,

Defendant.

CR 21–38–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 30.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Ms. Todd is charged with one count of conspiracy to possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 846 (Count I) and four counts of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) (Counts II–V). Judge DeSoto recommends that this Court

accept Ms. Todd's guilty plea as to Count III after she appeared before Judge DeSoto pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. In light of the United States' forfeiture motion (Doc. 32), the Court will will adjudicate the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 30) is ADOPTED in full.

IT IS FURTHER ORDERED that Ms. Todd's motion to change plea (Doc. 25) is GRANTED.

IT IS FURTHER ORDERED that Ms. Todd is adjudged guilty as charged in Count III of the Indictment.

DATED this 2nd day of January, 2022.



Dana L. Christensen, District Judge
United States District Court